

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

FRANCES M. VALLE,

Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

3:15-CV-388-PLR-HBG

MEMORANDUM AND ORDER


This Social Security appeal is before the court on the Report and Recommendation filed by United States Magistrate Judge H. Bruce Guyton [R. 23]. The government has filed a notice that the government has no objection to the Magistrate's report [R. 24]. The plaintiff has not filed any objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

After a careful review of the record and the parties' pleadings, the court is in complete agreement with the Magistrate Judge's recommendation that plaintiff's motion for summary judgment be granted to the extent that the case be remanded to the ALJ for further consideration of Dr. Tran's opinion and for a new evaluation of plaintiff's residual functional capacity.

Accordingly, the court **ACCEPTS IN WHOLE** the Report and Recommendation under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). It is **ORDERED**, for the reasons stated in the Report and Recommendation, which the Court adopts and incorporates into its ruling, that plaintiff's motion for summary judgment [R. 18] is **GRANTED**, to the extent that the case is remanded to the ALJ for further consideration of Dr. Tran's opinion and for a new evaluation of plaintiff's residual functional capacity. The Commissioner's motion for summary judgment [R. 20] is **DENIED**.

IT IS SO ORDERED.

Enter:


UNITED STATES DISTRICT JUDGE